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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,047	11/27/2001	Jeffrey Leigh Wells	0011-0374P	7834

2292 7590 09/29/2003

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EXAMINER

MAYES, MELVIN C

ART UNIT PAPER NUMBER

1734

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/994,047

Applicant(s)

WELLS ET AL.

Examiner

Melvin Curtis Mayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4,6-8,10,11,14-16,18,21 and 24-28 is/are allowed.
- 6) ☒ Claim(s) 1,5,12,17,19,20,22,23,29 and 30 is/are rejected.
- 7) ☒ Claim(s) 9 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

(1)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(2)

Claims 1, 5, 12, 17, 19, 20, 22, 23, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawada 2002/0148556.

Kawada discloses a labeling method and hand labeler comprising: a rotary wheel 15a to feed the liner-free tape 4 a predetermined distance equal to a label size; a press-roll adhesive-activating mechanism 16 for making a length of the tape having an adhesive agent encapsulated and spread on its rear side sticky by pressing and breaking micro-capsules; an endless belt 15c for carrying the tape; a printing head 5a for printing information on the tape; a cutting device for cutting an information bearing piece from the tape; and a press roll 13 for pushing the cut information bearing piece to a selected object ([0006]-[0103]).

By providing a rotary wheel to feed the tape having an encapsulated adhesive and an endless belt for carrying the tape, a feeder is obviously provided for moving the sheet media (tape) past the activation device (press-roll activating mechanism) and a release liner device comprising an endless belt is obviously provided for transporting the sheet media (tape) through a travel path, as claimed in Claim 1. By carrying the tape on the endless belt to a cutting device, the sheet media is obviously transported to a subsequent process with the release liner device (endless belt), as claimed in Claim 22.

***Allowable Subject Matter***

(3)

Claims 2-4, 6-8, 10, 11, 14-16, 18, 21 and 24-28 are allowed.

(4)

Claims 9 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

(5)

Applicant's arguments filed July 21, 2003 have been fully considered but they are not persuasive.

Applicant argues that Kawada fails to teach or suggest the combination for handling an adhesive coated sheet media comprising an activation device and a release liner device for laminating with the adhesive side of the sheet media, as claimed in Claim 1, or the method as claimed in Claim 22. Applicant argues that the claimed invention is directed toward a complete system for handling adhesive coated sheet media, while Kawada is a hand held labeler device that does not incorporate a release liner device for transporting sheet media. Applicant argues that Kawada activates adhesive by a press roll but is not directed toward activation by a shearing action.

(6)

The labeler of Kawada comprises a press-roll adhesive activator for activating encapsulated adhesive on a liner-free tape and an endless belt for carrying the tape. The press-roll adhesive activator corresponds to the claimed activation device, which can be a crushing roller as claimed in Claim 12. The endless belt which carries the adhesive tape by its adhesive side corresponds to the claimed release liner device, which can be an endless belt as claimed in Claim 17, and carries the adhesive tape for cutting a piece from the tape as well as toward the press toll for application of the cut piece to an object, thus transporting the tape (sheet media) to a subsequent process as claimed in Claim 22. Applicant argues that the activation device activates the adhesive by a shearing action instead of a normal force, but this is not claimed and the claimed activation device is not limited to activation by shearing action.

### ***Conclusion***

(7)

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


(8)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 703-308-1977.

The examiner can normally be reached on Mon-Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Melvin Curtis Mayes  
Primary Examiner  
Art Unit 1734

MCM